

**STATEMENT OF SENATOR DANIEL K. AKAKA
SENATE COMMITTEE ON INDIAN AFFAIRS
HEARING ON S. 2899, A BILL TO EXPRESS THE POLICY OF THE
UNITED STATES REGARDING THE UNITED STATES RELATIONSHIP WITH
NATIVE HAWAIIANS, TO PROVIDE A PROCESS FOR REORGANIZATION OF A
NATIVE HAWAIIAN GOVERNMENT AND THE RECOGNITION BY THE UNITED
STATES OF THE NATIVE HAWAIIAN GOVERNMENT,
AND FOR OTHER PURPOSES**

September 14, 2000

I would like to begin by expressing my deep appreciation to Chairman Campbell for holding this hearing on S. 2899, legislation to clarify the political relationship between Native Hawaiians and the United States. I would also like to thank Vice Chairman Inouye for all of his efforts to advance this legislation which is critical to the people of Hawaii.

This legislation is important to all people in Hawaii because it continues a process that provides for the resolution of a number of longstanding issues in Hawaii. In drafting this legislation, we were advised by five working groups representing the Native Hawaiian community, State officials, Federal officials, Native American community leaders and constitutional scholars, and Congressional members and caucuses. This legislation is the product of many, many discussions between working group members and the Native Hawaiian community.

Last month we held a series of hearings in Hawaii which provided an opportunity for the people of Hawaii to comment on the legislation. While there was some opposition to this legislation by individuals seeking full independence from the United States, we received overwhelming support for this legislation from Native Hawaiians and non-Native Hawaiians. I am pleased to see the discussion this legislation has generated in Hawaii, for it is time for the people of Hawaii to move forward in addressing Native Hawaiian issues.

I am pleased by the strong expression of support we received from the Hawaii State Legislature which passed a resolution during its last session advocating Federal recognition for Native Hawaiians. I am also appreciative of the support expressed by our native brothers and sisters in the American Indian and Alaska Native communities.

The U.S. Constitution vests the Congress with the authority to conduct relations with Indian tribes. When the State of Hawaii was admitted into the Union in 1959, the prevailing Federal policy was the termination of Federal responsibilities related to America's native people and the delegation of those responsibilities to the several states. Accordingly, the Hawaii Admissions Act provided that the State of Hawaii would assume a trust responsibility for lands that had been set aside under Federal law in 1921 in

Hawaii for the benefit of Native Hawaiians, and further provided that the balance of other lands in Hawaii which were ceded back to the State of Hawaii by the United States were required to be held in a public trust for five purposes – one of which was the betterment of the conditions of Native Hawaiians.

While the Congress has enacted over 160 laws that are designed to address the conditions of Native Hawaiians, there has been no action taken to restore to the Native Hawaiian people their rights to self-determination or self-governance that were lost when the United States minister and U.S. Marines assisted in the overthrow of the Kingdom of Hawaii on January 17, 1893. The United States did act one hundred years later to extend an apology to the Native Hawaiian people for the overthrow of their government, and this bill authorizes a process for the reorganization of a Native Hawaiian government and its recognition by the United States.

This is an issue of fundamental fairness. This legislation makes clear that the indigenous, native people of the United States, American Indians, Alaska Natives, and Native Hawaiians, have the same status under Federal law and policy – the right to self-determination and self-governance, and a Federally-recognized government-to-government relationship with the United States. The U.S. Supreme Court has consistently held that this political and legal relationship is what distinguishes the status of the indigenous, native people of America from groups that are defined by reference to their race or ethnicity.

In closing, I want to reiterate that this legislation is important not only to Native Hawaiians, but to all people in Hawaii. This measure provides the process to begin resolving many longstanding issues facing Hawaii's indigenous peoples and the State of Hawaii. In addressing these issues, we have begun a process of healing, a process of reconciliation not only with the United States but also within the State of Hawaii. The essence of Hawaii is characterized not by the beauty of its islands, but by the beauty of its people. The State of Hawaii has recognized, acknowledged and acted upon the need to preserve the culture, tradition, language and heritage of Hawaii's indigenous peoples. Now is the time for the United States and the Native Hawaiian people to strengthen their political relationship.